

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICK H. LEVELL, JR.,

Defendant.

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8:10CR263

AMENDED ORDER<sup>1</sup>

This matter is before the court following a Rule 17.1 conference with counsel on September 15, 2010. Assistant U.S. Attorney Russell X. Mayer represented the United States and Joseph F. Gross, Jr., and David E. Richter represented defendant Frederick H. Levell, Jr. (Levell). Following a discussion on the progress of discovery and a discussion on trial dates, the parties agreed upon dates for expert witness disclosures and requested a trial date in March 2010. Mr. Gross represented that Levell will file an affidavit regarding the trial date

**IT IS ORDERED:**

1. The government shall provide the defendant with any expert report required by Fed.R.Crim.P. 16(a)(1)(G) **on or before October 1, 2010.**

2. The defendant shall provide the government with any expert report required by Fed.R.Crim.P. 16(b)(1)(C) **on or before December 10, 2010.**

3. Trial of this matter is scheduled to commence before Senior Judge Lyle E. Strom and a jury **at 9:00 a.m. on March 14, 2011**, for five (5) days in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

4. The ends of justice have been served by granting the parties request for setting trial and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the parties' request, i.e., the time between **September 15, 2010, and March 14, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 16th day of September, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

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<sup>1</sup>The court's previous order (Filing No. 15) has been amended to reflect that the trial in this matter is scheduled to commence on March 14, 2011, rather than March 15, 2011.